

## AMENDMENTS TO THE CLAIMS

Please cancel Claims 17-37 and amend Claim 3 as follows.

### **LISTING OF CLAIMS**

1.-2. (cancelled)

3. (currently amended) A mobile phone powered by a battery having a telephone function and a function for producing music sounds, the mobile phone comprising:

means for determining whether a level of a battery capacity is lower than a threshold level for permitting operation of the music sounds producing function; [[and]]

an outer terminal for connecting an earphone;

means for ~~maintaining the telephone function by terminating operation of the music sounds producing function while it is in actual operation and for informing a user of that effect through an earphone~~ the music sounds are being outputted through the earphone when the battery capacity becomes lower than the threshold level during ~~a period in which the music sounds generating function is being operated~~ to thereby maintain the telephone function; and

means for informing a user through the earphone that the music sounds producing function has been terminated.

4.-37. (cancelled)